

S0270033
cc: Peter



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
3809 (UTW02000)
UTU-70674-01

July 13, 2012

CERTIFIED MAIL # 7011 3500 0000 1992 0246
RETURN RECEIPT REQUESTED

DECISION

DALE ROGERS :
218 SOUTH 400 WEST : 43 CFR 3809 - Surface Management Plan
DELTA UT 84624 :
:

RECEIVED

JUL 16 2012

Determination of Required Financial Guarantee Amount

DIV. OF OIL, GAS & MINING

Bureau of Land Management (BLM) case file number UTU 70674-01, for your Plan of Operation (Plan) for Multi-Colored Green Building Stone underwent inspection on July 11, 2012. The purpose of the inspection was to inspect reclamation at the site and to update the financial guarantee requirements for the operation.

The site was found to be reclaimed to an extent that the current financial guarantee is sufficient. The trailer and its site will still need to be removed and reclaimed. I understand that the site will be seeded in the fall. Please inform this office when the seeding is being completed.

With the completion of this reclamation, the July 2, 2010 Determination of Required Financial Guarantee Amount for \$25,100 is rescinded. The current financial guarantee (\$6,800) will continue to be held until a request to close the site is received and for the proper establishment of vegetation. The current financial guarantee is not sufficient for further operations at this site. Should you decide to continue operation, another financial guarantee will need to be calculated.

Amount of Financial Guarantee – This office has determined a cost estimate, and consulted with UDOGM to update the financial guarantee; BLM has determined that the amount of \$6,800 is sufficient to meet all anticipated reclamation requirements (seeding for revegetation). The amount of the reclamation cost estimate was based on the operator complying with all applicable operating and reclamation requirements.

BLM's decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee – A financial guarantee in the amount of \$6,800.00 is currently being held by the Utah State Office of the BLM, PO Box 45155, Salt Lake City, Utah 84145-0155.

This decision does not constitute certification of ownership to any entity named in the Plan, recognition of the validity of any associated mining claims; or recognition of the economic feasibility of the proposed operations.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at, 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

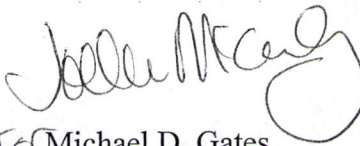
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,


Michael D. Gates
Field Manager

Enclosure: Form 1842-1

cc:

Paul Baker

UDOGM

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